



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SENT VIA EMAIL  
HARD COPY TO FOLLOW

August 9, 2010

Mr. Stephen M. Quigley  
Conestoga-Rovers & Associates (CRA)  
651 Colby Drive  
Waterloo, Ontario, Canada  
N2V 1C2

US EPA RECORDS CENTER REGION 5



440037

RE: CRA's July 26, 2010, Email and August 4, 2010, Letter RE: Operable Unit 1 (OU1) Streamlined Feasibility Study (FS) for the South Dayton Dump and Landfill (SDDL) Site, Moraine, Ohio

Dear Mr. Quigley:

The United States Environmental Protection Agency (EPA) has received CRA's July 26, 2010, and August 4, 2010, responses concerning EPA's July 7, 2010, comments on the OU1 Streamlined FS Report for the South Dayton Dump and Landfill Site (SDDL) in Moraine, Ohio.

CRA's July 26, 2010, email states that, after reviewing EPA's and the Ohio Environmental Protection Agency's (OEPA's) comments on the OU1 FS: *"It is clear to us there are fundamental disagreements about essential site elements."* In the email, you also said that, due to the involvement of additional parties, CRA would no longer be available to meet with EPA and OEPA on August 4, 2010, to discuss EPA's comments and the OU1 FS as planned, and suggested a meeting date of August 16, 2010, or later. CRA also sent EPA a follow-up letter on August 4, 2010, to provide some additional, general discussion of CRA's "fundamental disagreements" with EPA's OU1 FS Comments.

EPA is disappointed to find that, after working with CRA on the OU1 Streamlined Remedial Investigation (RI) and FS for over two and a half years, CRA considers there to be fundamental disagreements as to how the Site should be appropriately addressed at this stage of the process. EPA is willing to meet with you to discuss these disagreements. However, we believe work on the FS should proceed. It is unfortunate that CRA was not able to attend the August 4, 2010, OU1 FS meeting, since EPA and OEPA could have answered CRA's

questions about the OU1 FS comments, provided CRA with additional clarification as to how to address the comments in the FS, and discussed any of CRA's concerns at this time.

EPA recognizes that CRA does not agree with the major revisions EPA directed CRA to make to the OU1 FS Report on July 7, 2010; or with the additional comments OEPA provided to CRA (that EPA supports) on July 19, 2010. However, Section X, *U.S. EPA Approval of Plans and Other Submissions*, of the 2006 Administrative Settlement Agreement and Order on Consent (ASAOC), and Task 7.2, *Feasibility Study Report*, of the Statement of Work attached to the ASAOC, obligates the ASAOC Respondents to fully and satisfactorily correct the deficiencies in the FS Report; and to submit the corrected report to EPA and OEPA within 21 days or as otherwise approved by EPA (in this case by September 3, 2010), subject only to the Respondents' right to invoke the Dispute Resolution procedures set forth in Section XV, *Dispute Resolution*, of the ASAOC.

Although CRA was not able to attend the August 4, 2010 meeting, EPA and OEPA will make every effort to answer CRA's questions about the OU1 FS comments and provide CRA with any additional direction CRA requests as to how EPA's and OEPA's comments should be addressed in the final FS Report in a timely manner. However, the Respondents are still obligated to fully and satisfactorily correct the deficiencies in the FS Report as directed by EPA in its July 7, 2010 letter to CRA; and to submit the corrected, final FS Report to EPA and OEPA by September 3, 2010.

If you have any questions about EPA's and OEPA's comments on the OU1 FS, or require additional direction as to how to address EPA's and OEPA's comments in the final FS Report, please feel free to contact me at 312-886-1843 or via email at [cibulskis.karen@epa.gov](mailto:cibulskis.karen@epa.gov). Legal questions should be directed to Tom Nash, Associate Regional Counsel, at 312-886-0552, or via email at [nash.thomas@epa.gov](mailto:nash.thomas@epa.gov).

Sincerely,



Karen Cibulskis  
Remedial Project Manager

Cc (via email): Tim Prendiville, SR-6J  
Tom Nash, C-14J  
Luanne Vanderpool, SRT-5J  
Matt Justice, OEPA  
Brett Fishwild, CH2M  
Ken Brown, ITW



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SENT VIA EMAIL

April 14, 2010

Mr. Stephen M. Quigley  
Conestoga-Rovers & Associates (CRA)  
651 Colby Drive  
Waterloo, Ontario, Canada  
N2V 1C2

RE: CRA's April 1, 2010 Letter Re: Agreed Upon Scope of Streamlined and  
Conventional Feasibility Study Reports, South Dayton Dump and Landfill  
Site, Moraine, Ohio

Dear Mr. Quigley:

The United States Environmental Protection Agency (EPA) has reviewed CRA's April 1, 2010 letter concerning the agreed upon scope of the streamlined and conventional feasibility study (FS) reports for the South Dayton Dump and Landfill Site in Moraine, Ohio.

Although EPA cannot be certain until the RI/FS reports are reviewed, based on CRA's April 1, 2010 letter, EPA would like to caution CRA that it appears that portions of CRA's reports may not be consistent with the direction for addressing operable units (OUs) 1 and 2 at the Site outlined to CRA in EPA's January 9, 2008, February 16, 2010 and March 15, 2010 letters; or with EPA policy and guidance (see, for example, "Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration", OSWER Directive 9283.1-33, June 26, 2009). It also appears that portions of CRA's RI/FS reports may not be consistent with the Statement of Work in the Respondent's 2006 Administrative Settlement Agreement and Order on Consent (ASAOC), Docket No. V-W-06-C-582.

For example, EPA has continually directed CRA to develop remedial alternatives to prevent groundwater contaminants above Maximum Contaminant Levels or unacceptable risk levels from migrating beyond the **perimeter of the landfill**, without the proviso that there would be exceedances at current downgradient receptors before treatment and/or containment would be considered. EPA's principles for groundwater remediation require cleanups to be protective of both

current and potential future groundwater use, and do not allow groundwater contamination to continue to migrate and further contaminate the aquifer. These guiding principles should be incorporated into any assessment of alternatives for this Site.

Additionally, EPA has also questioned how CRA will consider the nature of the waste disposed in various areas of the Site, and human health and ecological risks posed by Site contaminants, in evaluating capping and landfill gas requirements. As pointed out in EPA's February 16, 2010 letter to CRA (see Issue 3), hazardous substances have been found above screening levels and unacceptable risk levels across the entire Site. Also, CRA did not collect data to support a quantitative human health or ecological risk assessment.

As such, EPA is reserving its right to conditionally approve, disapprove and/or modify any portions of the documents CRA submits that are not consistent with the direction for addressing OU1 and OU2 at the Site outlined in EPA's letters to CRA, or that are inconsistent with EPA guidance, the National Oil and Hazardous Substance Pollution Contingency Plan or the 2006 ASAOC, consistent with the process and procedures outlined in Section X of the Administrative Settlement Agreement and Order on Consent Docket No. V-W-06-C-582.

EPA looks forward to receiving the streamlined OU1 RI/FS reports from CRA on April 30, 2010, and to continuing to work with CRA and the Respondents to complete the RI/FS for both operable units at the Site. In the meantime, if you have any questions or would like to discuss the Site further, please feel free to contact me at [cibulskis.karen@epa.gov](mailto:cibulskis.karen@epa.gov) or 312-886-1843. Legal questions should be directed to Tom Nash, Associate Regional Counsel at [nash.thomas@epa.gov](mailto:nash.thomas@epa.gov) or 312-886-0552.

Sincerely,



Karen Cibulskis  
Remedial Project Manager

Cc: Tim Prendiville, SR-6J  
Tom Nash, C-14J  
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Matt Justice, OEPA  
Brett Fishwild, CH2M  
Ken Brown, ITW  
Adam Loney, CRA